

Sixth Appellate District

San Jose, California

MONDAY, NOVEMBER 18, 2002

H022852 PEOPLE v. REDMOND

We modify the judgment to stay the terms imposed on count 1 (assault) and count 2 (theft). As modified, the judgment is affirmed. The Clerk of the Santa Clara County Superior Court is directed to amend the abstract of judgment in accordance with our modification and forward a copy to the Department of Corrections. (not published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed November 18, 2002

H023074 PEOPLE v. NEGRETE

The appeal is dismissed. (not published)

(Rushing, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed November 18, 2002

TUESDAY, NOVEMBER 19, 2002

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Elia, J.; Mihara, J.; and Jane V. Flor, Deputy Clerk.

H022600 PEOPLE v. PATHAN

Cause called and argued by Jan Stiglitz appearing for Appellant and by Sharon Wooden, Deputy Attorney General, appearing for Appellant. Cause ordered submitted.

H023031 PEOPLE v. LEAL

Cause called and argued by Joseph C. Shevelson appearing for Appellant and by Allan Yannow, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023203 HOLMES v. FOREST RIVER PROPERTY OWNERS ASSOC., et al.

H023790 FOREST RIVER PROPERTY OWNERS ASSOCIATION v. HOLMES

H023656 HOLMES v. LANKES AND MACMILLAN, et al.

Causes called and argued by Brent Holmes, Appellant appearing in pro per and by David D. MacMillan appearing for Respondents. Causes ordered submitted. Elia, J. leaves the bench and Rushing, J. takes the bench.

Sixth Appellate District

San Jose, California

Tuesday, November 19, 2002 (continued)

H023889 SAN JUAN RESIDENTS FOR GOOD PLANNING, et al. v. CITY OF SAN JUAN BAUTISTA, et al.; MUSITELLI, INC., et al.

Cause called and argued by Susan Brandt-Hawley appearing for Appellants and by Richard Walter Lund appearing for Respondents. Cause ordered submitted.

Bamattre-Manoukian, Acting P.J. and Rushing, J. leave the bench and Elia, Acting P.J. and Wunderlich, J. take the bench.

H022749 CAMPAGNA v. GATLEY PROPERTIES, et al.; ARUTUNIAN, et al.

Cause called and argued by Robert L. Maines appearing for Appellants and by Thomas P. Murphy appearing for Respondent Campagna and by Beth McGowen appearing for Respondent Stanford University. Cause ordered submitted. Court is adjourned until the 1:30 p.m. calendar.

H023736 IN RE BRIANNA M., et al; DFCS v. GLORIA G.

The order of the juvenile court is affirmed. (not published) (Elia, J.; We concur: Premo, Acting P.J., Rushing, J.) Filed November 19, 2002

H023265 PEOPLE v. NEVAREZ

The judgment is affirmed. (not published) (Elia, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.) Filed November 19, 2002

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Wunderlich, J.; Mihara, J.; and Beth Miller, Deputy Clerk.

H023058 PEOPLE v. ALBERT R.

Cause called and argued by Kathleen W. Novoa appearing for Appellant and by Michele J. Swanson, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022136 PEOPLE v. NAVARRO

Cause called and argued by Lyn A. Woodward appearing for Appellants and by Pamela Critchfield, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, November 19, 2002 (continued)

Wunderlich, J. leaves the bench and Rushing, J. takes the bench.

H021587 PEOPLE v. GOMEZ, et al.

Cause called and argued by Frank J. McCabe appearing for Appellant Gomez, by Steven Schorr appearing for Appellant Page, and by Pamela Critchfield, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023458 PEOPLE v. JARDINEZ

Cause called and argued by Waldemar D. Halka appearing for Appellant and by Aileen Bunney, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023724 LEON v. STATE PERSONNEL BOARD OF THE STATE OF CALIFORNIA

Cause called and argued by Theodore H. Cominos appearing for Appellant and by Edmund K. Brehl appearing for Respondent. Cause ordered submitted.

H023304 USHER v. COUNTY OF MONTEREY

Cause called and argued by Michael P. Shikora appearing for Appellant and by Mark Ellis Singer appearing for Respondent. Cause ordered submitted.

WEDNESDAY, NOVEMBER 20, 2002

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Wunderlich, J.; Rushing, J.; and W. Magsaysay, Deputy Clerk.

H023794 PEOPLE v. JENNIFER D.

Cause called and argued by Christopher C. Hite appearing for Appellant and by Dorian Jung, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022959 PEOPLE v. COOPER

Cause called and argued by Allen H. Schwartz appearing for Appellant and by Catherine A. McBrien, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Wednesday, November 20, 2002 (continued)

H023232 PEOPLE v. ABARQUEZ

Cause called and argued by Alex Green appearing for Appellant and by Catherine A. McBrien, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023495 PEOPLE v. MAHAN

Cause called and argued by Laoretta M. Oravitz-Komlos appearing for Appellant and by John H. Deist, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023395 PEOPLE v. PELAIZ

Cause called and argued by J. J. Hamlyn appearing for Appellant and by Ann P. Wathen, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022525 PEOPLE v. LARA

Cause called and argued by Stephen Matchett appearing for Appellant and by David M. Baskind, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Court recesses until the 1:30 p.m. calendar.

H023284 PEOPLE v. SCOTT

The judgment is affirmed. (not published)  
(Wunderlich, J.; We concur: Premo, Acting P.J., Rushing, J.)  
Filed November 20, 2002

H022712 PEOPLE v. VARGAS

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: November 20, 2002

\*Before Premo, Acting P.J., Elia, J. and Rushing, J.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.  
Present: Premo, Acting P.J.; Elia, J.; Rushing, J.; and R. W. Norvelle, Deputy Clerk.

H023172 PEOPLE v. COVEY

Cause called and argued by Julian A. Gross appearing for Appellant and by John H. Deist, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Wednesday, November 20, 2002 (continued)

H022678 PEOPLE v. CORDOVA

Cause called and argued by Janice Brickley appearing for Appellant and by Christina VomSaal, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Rushing, J. leaves the bench and Wunderlich, J. takes the bench.

H022598 BLENN, et al. v. EN POINTE TECHNOLOGY, INC.; APODACA v. EN POINTE TECHNOLOGIES, INC.

Cause called and argued by John R. Parsons appearing for Appellants and by Marlene S. Muraco appearing for Respondent. Cause ordered submitted.

H021788 KIMURA v. GOOD SAMARITAN HOSPITAL, et al.

Cause called and argued by Joseph H. Ainley appearing for Appellant and by Neda N. Dal Cielo appearing for Respondents. Cause ordered submitted. Court is adjourned.

THURSDAY, NOVEMBER 21, 2002

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Wunderlich, J.; Rushing, J.; and Jane V. Flor, Deputy Clerk.

H021791 PEOPLE v. CAMARGO

Cause called and argued by William Robinson appearing for Appellant and by Bridget Billeter, Deputy Attorney General, appearing for Appellant. Cause ordered submitted.

H020648 MHC OPERATING LIMITED PARTNERSHIP v. CITY OF SAN JOSE, et al.; SUCHOLAS

H022038 MHC OPERATING LIMITED PARTNERSHIP v. CITY OF SAN JOSE, et al.; SUCHOLAS

Causes called and argued by Robert S. Coldren appearing for Respondent, by Robert Fabela, Deputy City Attorney, appearing for Appellant, and by Tom Weathered appearing for Intervenor. Causes ordered submitted.

Wunderlich, J. leaves the bench and Mihara, J. takes the bench.

Sixth Appellate District

San Jose, California

Thursday, November 21, 2002 (continued)

H023158 CITY OF MARINA, et al. v. BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY

Cause called and argued by Patricia Lofton appearing for Appellant and by Mary Linda Hudson appearing for Respondents. Cause ordered submitted. Court is adjourned.

H023082 GARRETT v. COMMISSION ON PROFESSIONAL COMPETENCE; MONTEREY PENINSULA UNIFIED SCHOOL DISTRICT

H023227 MONTEREY PENINSULA UNIFIED SCHOOL DISTRICT v. GARRETT

The judgment in Monterey County Superior Court case No. M50782 (the district's petition) is affirmed. The judgment in Monterey County Superior Court case No. M50742 (Garrett's petition) is reversed and the cause is remanded to the trial court with directions to consider the cause on the merits. The parties shall bear their own costs on appeal. (not published) (Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.) Filed November 21, 2002

H023388 PEOPLE v. CAMPOS

The judgment of conviction is reversed. (not published) (Elia, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.) Filed November 21, 2002

H023242 PEOPLE v. FIGUEROA

The judgment is affirmed. (not published) (Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.) Filed November 21, 2002

H024511 PEOPLE v. MARCOS B.

The judgment of wardship is modified to award appellant 27 days for precommitment custody credits. As so modified, the judgment is affirmed. (not published) (Premo, Acting P.J.; We concur: Wunderlich, J., Rushing, J.) Filed November 21, 2002

Sixth Appellate District

San Jose, California

Thursday, November 21, 2002 (continued)

H022999 PEOPLE v. ADRIAN R.

(Filed order modifying opinion.) There is no change in the judgment. (Bamattre-Manoukian, Acting P.J., Elia, J., Mihara, J.)

The opinion in the above-entitled matter filed on October 22, 2002, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.

(Bamattre-Manoukian, Acting P.J.)

Filed November 21, 2002

H021716 PEOPLE v. RAMIL

The trial court's order that defendant pay \$1000 in attorney's fees is hereby stricken. The trial court is directed to prepare an amended abstract of judgment omitting the attorney's fees order and forward a certified copy of the amended abstract to the Department of Corrections. As modified, the judgment is affirmed. (not published)

(Mihara, J.; I concur: Bamattre-Manoukian, Acting P.J.,  
Dissenting opinion by: Rushing, J.)

Filed November 21, 2002

FRIDAY, NOVEMBER 22, 2002

H023370 PEOPLE v. ORTEGA

We hereby strike the Penal Code section 667.61, subdivision (a) enhancement imposed in connection with Count 1 and impose in its place an enhancement pursuant to Penal Code section 667.61, subdivision (b), thereby reducing defendant's sentence on Count 1 to 15 years to life. The superior court is ordered to prepare an amended abstract of judgment incorporating the above changes. As so modified, the judgment is affirmed. We remind the court to insure that the amended abstract correctly reflects that all three life sentences imposed in this case include the possibility of parole and that the Count 13 offense took place in 1999. The superior court shall forward a copy of the amended abstract to the Department of Corrections. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Rushing, J.)

Filed November 22, 2002

Sixth Appellate District

San Jose, California

Friday, November 22, 2002 (continued)

H023484 PEOPLE v. RENE L.

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: November 22, 2002

\*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and Rushing, J.

H023304 USHER v. COUNTY OF MONTEREY

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing, J.)

Filed November 22, 2002

H022801 PEOPLE v. ANDERSON

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed November 22, 2002

H022779 SUTTER'S PLACE, INC., et al. v. CITY OF SAN JOSE

The judgment is affirmed. (not published)

(Mihara, J.; I concur: Bamattre-Manoukian, Acting P.J.,  
Dissenting opinion by Rushing, J.)

Filed November 22, 2002

H021878 PEOPLE v. SANCHEZ

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J.,  
Wunderlich, J.)

Filed November 22, 2002

H023807 PEOPLE v. KING

The judgment is affirmed. (not published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J.,  
Mihara, J.)

Filed November 22, 2002